

**EL DORADO COUNTY DEVELOPMENT SERVICES  
PLANNING COMMISSION  
STAFF REPORT**



**Agenda of:** September 11, 2008  
**Item :** 10  
**Staff:** Tom Dougherty

**TENTATIVE SUBDIVISION MAP**

**FILE NUMBER:** TM08-1468/Carlson Woods Subdivision

**APPLICANT:** John and Gail Eldridge

**AGENT:** Gene Thorne and Associates

**REQUEST:** Tentative subdivision map creating four lots, ranging in size from 5.0 to 5.81 acres. (Exhibit F). Design waivers have been requested for the following:

- A. Allow the existing one to five-foot shoulder width along Carlson Drive (instead of requiring 5-foot shoulders).
- B. Allow the existing 50-foot right of way for Carlson Drive (instead of requiring 60-feet).
- C. Allow a 12-foot wide driveway to access Lot 2.

**LOCATION:** On the north side of Carlson Drive approximately 0.6 mile north of the intersection with Meder Road in the Shingle Springs area, Supervisorial District IV. (Exhibit A)

**APN:** 070-210-37 (Exhibit B1)

**ACREAGE:** 21.70 acres

**GENERAL PLAN:** Low-Density Residential (LDR) (Exhibit C)

**ZONING:** Estate Residential Five-acre (RE-5) (Exhibit D)

**ENVIRONMENTAL DOCUMENT:** Mitigated Negative Declaration

**RECOMMENDATION:** Staff recommends that the Planning Commission take the following actions:

1. Adopt the Mitigated Negative Declaration and Mitigation Monitoring Program, based on the Initial Study prepared by staff.
2. Approve tentative map TM08-1468 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.
3. Approve the following design waivers since appropriate findings have been made as noted in Section 5 in Attachment 2:
  - a. Allow the existing one to five-foot shoulder width to be sufficient along Carlson Drive.
  - b. Allow the existing 50-foot right of way for Carlson Drive to be sufficient.
  - c. Allow a 12-foot wide driveway to access Lot 2,

**BACKGROUND:** The subject 21.70-acre parcel was created by Parcel Map 24-22 on May 24, 1979. There were two parcels created by that map by the same applicant and Parcel A of that map is now being proposed for the current four-parcel split. This would amount to a creation of five total parcels created including the previous Parcel B and therefore a tentative subdivision map application was submitted on March 4, 2008. The subject application was deemed complete on April 3, 2008.

#### **STAFF ANALYSIS**

**Project Description:** Tentative subdivision map creating four parcels ranging in size from 5.0 to 5.81 acres on a 21.7-acre site. Design waivers have been requested to allow the existing one to five-foot shoulder width along Carlson Drive (instead of requiring 5-ft shoulders, allow the existing 50-foot right of way for Carlson Drive (instead of requiring 60-feet), and to allow a driveway to access Lot 2. Proposed Lots 1, 3 and 4 would have direct encroachments onto Carlson Drive and Lot 2 would be accessed by a driveway through Lot 1 within the existing 50-foot road and public utility easement which would remain.

**Site Description:** The 21.7-acre parcel ranges in elevation from a low of approximately 1,400 feet along the northern border to a high of 1,480 feet above sea level near the southeastern edge of the parcel. The parcel slopes predominately from north to south and is covered with native oak trees and shrub types typical of the chaparral and gabbro soil environment. Numerous dirt driveways have been rough graded within the site over the years. There are numerous ephemeral drainage channels that cross the parcel.

**Adjacent Land Uses:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	RE-5	LDR	Residential/vacant.
<b>North</b>	RE-5	LDR	Residential, single-family dwellings, (four 5.018 to 5.107-acre parcels)
<b>South</b>	RE-5	LDR	Residential, single-family dwellings, (two 5-acre parcels).
<b>East</b>	RE-5	LDR	Residential, single-family dwellings, (two parcels 5.0 to 5.7-acres).
<b>West</b>	R2A	MDR	Residential, single-family dwelling, (one 4.3-acre parcel).

**Discussion:** Exhibits A and B1 to B2 illustrate that the general neighborhood consists of five-acre parcels. The proposed lots can be found be consistent with the surrounding development.

**Project Issues:** Discussion items for this project include water system and fire safety, available public services, road improvements, water and sewer improvements, existing Zone of Benefit, drainage easements, establishment of a homeowner’s association (HOA) and design waiver requests.

**Water System Improvements and Fire Safety:** The four lots are located in the El Dorado Irrigation District (EID) service area but would be served by wells. Typically, newly created lots served by wells would be required to maintain a water storage tank exclusively for fire suppression. Pursuant to the Rescue Fire Protection District (District), the project would need to meet required fire flow requirements prior to filing the parcel map. The project is conditioned by the District for each lot to have District approved 2,500 gallons of water storage prior to issuance of any future building permits. The applicants would be required to adhere to the approved *Wildfire Fire Safe Plan* for the *John Eldridge Tentative Map APN 070-210-37* dated January 2006. The project has been conditioned to meet this requirement to the satisfaction of the District prior to recording the final map.

**Parks and Recreation:** This project would be required to pay a Park-in-Lieu fee for the acquisition of parklands. Pursuant to Section 16.12.090, the project is responsible for parkland dedication of 0.0672 acres which shall be satisfied by park in lieu fees. The applicant shall submit a request for Park-in-Lieu fee appraisal to Planning Services, with a check for \$150.00 made out to the El Dorado County Assessor; upon completion of appraisal, the applicant must pay the park fee, pursuant to Section 16.12.090 of the El Dorado County Subdivisions Ordinance, to the El Dorado County Department of General Services, Division of Airports, Parks and Grounds, and shall submit the receipt to El Dorado County Planning Services with the Final Map application.

**School Facilities:** The project is located in The Rescue Union School District and the El Dorado Union High School District. School impact fees would be assessed during the review of building permits to address any school impacts that may be created with the approval of this project.

**Water and Sewer:** The lots are proposed to be served by individual wells. There is an existing well on the subject parcel that was tested in August of 2007 and found to be producing 45 gallons per minute. Prior to recording the Final Map, each lot shall have a safe and reliable well provided for each parcel that meets the criteria of Environmental Management Policy 800-02.

A site soil mantle test was performed by Ron Duncan on August 22, 2007 on all four proposed lots. The onsite sewage disposal feasibility report was reviewed by El Dorado County Environmental Health Division staff and they determined that the requirements for demonstrating adequate sewage disposal for the proposed lots have been satisfied. The Environmental Health Division would review specific septic designs that accompany future development plans, to ensure that the final septic disposal design meets County standard.

**Access:** The four proposed lots would utilize Carlson Drive/Rolling Ranch Road, which is not County maintained, as the main access road, providing the required two points of access.. Rolling Ranch Road is a continuation of Carlson Drive and the name change begins at the 90 degree turn southeast of the parcel. Lots 1, 3 and 4 are proposed to directly encroach onto Carlson Drive and Lot 2 is proposed to be accessed by a 12-foot wide driveway through Lot 1. The El Dorado County Department of Transportation (DOT) has required minor width and surface improvements to the existing access roads to serve the four new lots along Carlson Drive to Meder Road if there are portions that do not currently meet the width and surface requirements. The applicant would be required to construct and/or verify that the off-site portion of Carlson Drive, from the project boundary to Meder Road, meets the requirements of El Dorado County Standard Plan 101C and the California Fire Code 2007, a 20-foot roadway width with a minimum 1-foot wide shoulders on each side of the roadway, as required in Section 3.A.2.c.ii, of the DISM. The improvements, as conditioned in Attachment 1, would be required to be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the recording the final map. The project has been conditioned to comply with DOT recommendations.

**Carlson Drive Zone of Benefit:** The project parcel is within the Carlson Drive Zone of Benefit established for roadway maintenance purposes in 1985. Carlson Drive is therefore a public roadway that is maintained by the Zone of Benefit through the annual benefit assessments of the member parcels. As such, the future parcels would be subject to this annual assessment. Any offsite improvements that would be required on Carlson Drive as conditioned in Attachment 1, must be completed under a funding agreement between the County and the property owner on behalf of the Zone of Benefit.

**Drainage Easements:** All drainage easements are shown as ephemeral on the submitted map and are proposed to be recorded as shown on the final map as ten-foot wide drainage easements. Consultation with DOT staff confirmed that ten-foot drainage easements are a minimum size and can be approved with an engineer's determination that they fit the width and flow of the drainage channel. The project engineer made that determination and labeled them as such on the submitted tentative subdivision map.

**Existing Interior Road Easement:** The recording of Parcel Map 24-22 created a 50-foot wide non-exclusive road and public utility easement within Parcel A, the subject parcel. The applicant has chosen to retain that easement.

**Request for Design Waivers:** The project is requesting a design waiver (A) to allow the existing one to five-foot wide shoulder width to be sufficient along Carlson Drive in-lieu of requiring 5-ft shoulders). Carlson Drive is encumbered with structures and other fixed obstacles within the roadway easement (i.e. culverts, utility poles, fences, etc). The existing paved roadway averages 20 plus feet in width. Given that the roadway width meets minimum Fire Code standards, and Carlson Drive traffic is not anticipated to increase significantly as most of the parcels accessing Carlson Drive are developed. DOT is in support of this design waiver request.

The second design waiver (B) is requested to allow the existing 50-foot right-of-way for Carlson Drive to be sufficient in-lieu of requiring 60-feet. As mentioned above, the traffic on Carlson Drive is not anticipated to increase significantly nor is it anticipated to provide access to additional parcels in the future. Additionally, Carlson Drive is a paved roadway with varying widths of 20 plus feet and is not included in the General Plan as a roadway identified for future widening. Therefore, the existing 50-foot right-of-way is sufficient and DOT is in support of this design waiver request.

The third design waiver (C) requested is to allow a 12-foot wide driveway to access Lot 2 through Lot 1 within the existing 50-foot non-exclusive road easement. Requiring Lot 2 to front a road (Carlson Drive) pursuant to Volume II, section 2, B (5) would require creating a 100-foot frontage pursuant to section 17.28.210 (C) of the Zoning Code which would then create irregular shaped flag lot. Allowing for a driveway permits Lot 2 to remain in a standard rectangular shape. The existing easement would be used eliminating the need to create a 20-foot wide interior road to serve one lot.

Approving the project with the three design waivers could be found to be the most efficient way to reduce impacts to the existing natural features. Neither DOT nor Rescue Fire Protection District staff had negative issues with the design waiver requests. Therefore, staff recommends approval of the waivers.

**Establishment of a Homeowner's Association:** If Option A of General Plan Policy 7.4.4.4 were chosen to satisfy Mitigation Measure 3 [MM Bio-2], a Homeowner's Association (HOA) would need to be established for the purposes of implementing the tree replacement plan attached as Exhibits K1 to K3 to this staff report. Covenants, Conditions and Restrictions (CC&Rs) would be reviewed by the County prior to recordation of the final map to assure they include those provisions. If Option B is chosen, the formation of an HOA is not required as the Option B payment would satisfy the requirements of Policy 7.4.4.4. The off-site road maintenance is handled by the existing Zone of Benefit which the subject lot owners must participate in. The Wildfire Fire Safe Plan, approved by Rescue Fire Protection District and Cal Fire in January of 2006, would be implemented through a required Notice of Restriction recorded into the deed of each lot created by the Final Map.

**General Plan:** The General Plan designates the subject site as LDR. Low-Density Residential (LDR) permits a minimum parcel size of five acres. The four proposed lots are 5.01 to 5.81 acres in size and therefore conform to the General Plan land use designation of LDR. The following General Plan policies apply to this project:

**Policy 2.1.1.7** directs that development be limited in some cases until such time as adequate roadways, utilities, and other public service infrastructures become available and wildfire hazards are mitigated as required by an approved Wildfire Safe Plan. As discussed above in the Project Issues section and as conditioned, the project would meet the criteria.

**Policy 2.2.5.21** directs that new development be compatible with the surrounding neighborhood. The creation of four, five-acre residential lots is consistent with the General Plan Low-Density Residential designation and would fit into the dominant pattern of parcel development for the area. The project may be characterized as an infill development consistent and compatible with the surrounding land use.

**Policy 5.7.1.1** directs the applicant to demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection either are or will be provided concurrent with development. **Policy 6.2.3.2** directs that the applicant must demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area. As discussed above in the Project Issues section, upon fulfillment of the conditions of approval and implementation of the approved Wildfire Safe Plan, the proposed lots would have adequate access and emergency evacuation capabilities.

**Policy 7.4.1.1** directs that the County shall provide for the permanent protection of the eight sensitive plant species known as the Pine Hill endemics and their habitat through the establishment and management of ecological preserves consistent with County Code Chapter 17.71 and the USFWS's Gabbro Soil Plants for the Central Sierra Nevada Foothills Recovery Plan (USFWS 2002). The proposed project is located in El Dorado County plant Mitigation Area 1 of the County's Gabbro soils rare plant preserve program which identifies areas of the County that potentially contain rare plants. The subject parcel is not located within any Ecological Preserve overlay designation. Three species listed as rare were identified within the project area. The project was designed to avoid the areas where the plants were identified. Further studies may be required by the California Department of Fish and Game or United States Fish and Wildlife Service; however, the payment of fees satisfies the County's requirements for mitigation of the impacts to the rare plants. The applicant has been advised to contact the other agencies to determine if additional compliance is needed based on their regulations. The full discussion of the impacts to 7.4.1.1 is contained in section IV in the attached Draft Mitigated Negative Declaration.

**Policy 7.4.4.4** establishes the native oak tree canopy retention and replacement standards and requires that 80 percent of the existing oak tree canopy coverage for the 21.7-acre project area be retained as a result findings of the *Arborist Report for Eldridge Tentative map*, dated January 14, 2008 which reported a 41.2 percent oak canopy coverage or 8.9 acres. The report estimated that approximately 0.50 acre of oak canopy would be removed as part of this project proposal which is 18 percent of the canopy and thus would meet the General Plan retention standards. The applicants have the choice to use Options A or B at a one to one ratio to mitigate the impacts of the tree canopy removed. With the adoption of the recommended Mitigation Measure No. 3, the project would be compliant with Policy 7.4.4.4. The full discussion of the project impacts in relation to Policy 7.4.4.4 is contained in section IV in the attached Draft Mitigated Negative Declaration.

**Conclusion:** The project has been reviewed in accordance with the El Dorado County 2004 General Plan policies and it has been determined that the project would be consistent with all applicable policies of the General Plan.

**Zoning:** The subject site is zoned Estate Residential Five-Acre (RE-5). RE-5 permits a minimum parcel size of five acres. The proposed 5.01 to 5.81-acre lots would conform to existing zoning and the development standards in Section 17.28.210 for minimum lot width of 100 feet, minimum parcel size of five acres, building setback requirements of 30 feet from parcel boundaries and road easements as well as the parking requirements of two spaces not in tandem per dwelling unit pursuant to Section 17.18.060.

**Conclusion:** As discussed above, staff finds that the project can be found to conform with the intent of the Zoning Code and that the necessary findings can be made to support the request for a tentative subdivision map creating four lots. The details of those findings are contained in Attachment 2.

## **ENVIRONMENTAL REVIEW**

Staff has prepared an Initial Study (Environmental Checklist with Discussion attached) to determine if the project may have a significant effect on the environment. Based on the Initial Study, conditions have been added to the project to avoid or mitigate to a point of insignificance the potentially significant effects of the project in the area of biological resources. Staff has determined that significant effects of the project on the environment have been mitigated; therefore a Mitigated Negative Declaration has been prepared.

This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.), and was referred to the California Department of Fish and Game. In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$1,926.75 after approval, but prior to the County filing the Notice of Determination on the project. This fee, includes a \$50.00 recording fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$1,876.75 is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the States fish and wildlife resources.

## SUPPORT INFORMATION

### Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Vicinity Map
Exhibit B	General Plan Land Use Map
Exhibit C	Zoning Map
Exhibit D1	Parcelization Map, (Assessor's Map for the subject parcel and surrounding)
Exhibit D2	Parcelization Map, (Assessor's Map for parcels to the west)
Exhibit E	Parcel Map 24-22 recorded May 24, 1979
Exhibit F	Tentative Parcel Map, revised July 31, 2008
Exhibit G	Soils Map
Exhibit H	Shingle Springs U.S.G.S. Quadrangle
Exhibits I1, I2, I3	Site Visit Photos from April 2, 2008
Exhibits J1, J2	Aerial Photos
Exhibits K1, K2 (two pages) and K3	Revegetation and Restoration Plan
Exhibit L	Draft Mitigated Negative Declaration

# **ATTACHMENT 1**

## **CONDITIONS OF APPROVAL AND MITIGATIONS**

**FILE NUMBER TM08-1468 –Carlson Woods Subdivision**  
September 11, 2008 Planning Commission Hearing

### **Planning Services**

1. This tentative map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibit F (tentative parcel map) dated September 11, 2008 and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Tentative Map creating four lots ranging in size from ranging in size from 5.0 to 5.81 acres (Exhibit F).

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (i.e.: Wildfire Safe Plan) must be submitted for review and approval and shall be implemented as approved by the County.

### **Conditions from the Mitigated Negative Declaration**

The following mitigation measure is required as a means to reduce potential significant environmental effects to a level of insignificance:

2. The Rare Plant Mitigation fee, in lieu of on-site mitigation, shall be paid to El Dorado County at the time of issuance of any building permit for any of the four lots subject to this permit. **[MM Biological Resources-1]**.

**Monitoring:** The applicant shall provide to Planning Services proof of payment of the mitigation in-lieu fee prior to issuance of any development permit on any of the four lots.

3. The applicant shall choose to mitigate for oak canopy loss with either Option A or Option B, pursuant to General Plan Policy 7.4.4.4.

If Option A is chosen, the applicant shall be required to replant 100 one-gallon sized black oak (*Quercus kelloggii*) and interior live oaks (*Quercus wislizenii*) trees (200 trees x 0.50 acre = 100). Alternatively, the applicant may plant 600 acorns [(200 trees x 0.50 acre) x 3 acorns = 300 acorns]. The areas identified as suitable for replanting, as well as the recommended planting techniques are identified in Exhibits K1, K2 and K3. Prior to finaling the map, the applicant is required to enter into an oak tree replacement and mitigation monitoring agreement with the County.

If Option B is chosen, in lieu of the replanting and monitoring requirements set forth above, the applicant may mitigate the impacts to oak woodland by complying with the oak conservation in-lieu fee requirements (Option B) of the Oak Woodland Management Plan, adopted by the Board of Supervisors on May 6, 2008. The applicant shall pay the mitigation in-lieu fee for all oak canopy removed as part of development of the project. The mitigation fee shall be paid at a 1:1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based on the fee established by the Board of Supervisors. **[MM Bio-2]**.

**Monitoring:** Should the application choose Option A, replanting, prior to recording the Final Map, the applicant is required to enter into a County of El Dorado Agreement for Maintenance and Monitoring of Existing Oak Trees and Oak Tree Replacement Plantings through Planning Services. Applicant shall adhere to the Revegetation and Restoration Plan in Exhibit K2 and shall annually report planting status with a letter to Planning Services each year for a period of ten years from the date of the said agreement for planting trees and for fifteen years for planting acorns. Should the applicant choose Option B, a receipt showing payment of the oak conservation in-lieu fee shall be received by Planning Services prior to issuance of any development permit.

#### **Planning Services Site Specific and Standard Conditions**

4. During all grading and construction activities in the project area on the proposed parcels, an archaeologist or Historian approved by the Development Services Director shall be on-call. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent and/or future parcel owner shall ensure that all such activities cease within 50 feet of the discovery until the on-call archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after appropriate measures are taken or the site is determined not to be of significance.
5. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage

Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.

6. The applicant shall submit a request for Park-in-Lieu fee appraisal to Planning Services, with a check for \$150.00 made out to the El Dorado County Assessor; upon completion of appraisal, the applicant must pay the park fee, pursuant to Section 16.12.090 of the El Dorado County Subdivisions Ordinance, to the El Dorado County Airports, Parks and Grounds Division, and shall submit the receipt to Planning Services prior to filing of the final map.
7. All Development Services fees shall be paid prior to recording of the Final Map. Planning Services shall verify payment of all fees prior to recording the Final Map.
8. The applicant shall submit to Planning Services the Department of Fish and Game filing fee and noticing fee prior to filing of the Notice of Determination by the County. No permits shall be issued or final map filed until said fees are paid.
9. This tentative map shall expire within 36 months from date of approval unless a timely extension has been filed.
10. A Homeowner's Association (HOA) shall be formed that shall be responsible for enforcement of the Covenants Codes and Restrictions (CC&Rs) which shall be recorded for each parcel. Said CC&Rs shall, at a minimum, include the following provisions:
  - a. Implementation of all provisions of the *Wildland Fire Safe Plan* dated September 13, 2007, approved by Diamond Springs – El Dorado Fire Protection District and Calfire on February 20, 2008.
  - b. Ongoing maintenance and monitoring of the shared roads.
  - c. Open space management of those areas subject to Mitigation 2 above, **[MM Bio 1]**, the Revegetation and Restoration Plan included in Exhibits L1, L2 and L3 above.

The Covenants, Conditions and Restrictions (CC&Rs) shall be submitted to Planning Services Division for review, and subsequent County approval, prior to filing of the Final Map. Any future changes in the aforementioned provisions of the final County approved version of the CC&Rs shall require further County approval.

11. Prior to filing the final map, if the subject property is subject to liens for assessment or bonds, pursuant to the provisions of Government Code Section 66493, the owner or subdivider shall either: (a) Pay the assessment or bond in full, or (b) File security with the Clerk of the Board of Supervisors, or (c) File with the Clerk of the Board of Supervisors the necessary certificate indicating provisions have been made for segregation of bond assessment responsibility pursuant to Government Code Section 66493 (d).

12. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a subdivision, which action is brought within the time period provided for in Section 66499.37.

County shall notify the applicant of any claim, action, or proceeding and County will cooperate fully in the defense.

#### **Rescue Fire Protection District**

13. Each lot shall have a District approved 2,500 gallons of water storage prior to issuance of any future building permit.
14. The District will review each building permit for the potential requirement to include sprinkler systems.
15. Each of the four lots shall be required to adhere to the requirements of the *Wildfire Fire Safe Plan* for the *John Eldridge Tentative Map APN 070-210-37* dated January 2006.
16. The project shall meet the requirements of the California SRA Fire Safe Regulations and the 2007 California Fire Code.
17. The applicant shall record a Notice of Restriction (NOR) that states that all four lots shall adhere to Conditions 11 to 14 above. Said Notice of Restriction shall include those conditions and have a copy of the approved Wildfire Safe Plan. The NOR shall be reviewed and approved by the Rescue Fire Protection District prior to recordation. The approved NOR shall then be recorded and a copy of the recorded document shall be received by Planning Services and the Rescue Fire Protection District prior recordation of the final map.

#### **El Dorado County Department of Transportation**

18. **Road Design Standards:** The applicant shall construct all roads in conformance with the Design and Improvements Standard Manual (DISM), as shown in Table 1. The improvements shall be completed to the satisfaction of the Department of Transportation (DOT) or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map: (the requirements outlined in Table 1 are minimums)

<b>Table 1</b>				
<b>ROAD NAME</b>	<b>DESIGN STANDARD PLAN</b>	<b>ROAD WIDTH* / SHOULDER WIDTH</b>	<b>RIGHT OF WAY**</b>	<b>EXCEPTIONS/ NOTES</b>
Carlson Drive <i>(onsite and offsite to Meder Road)</i>	Modified Std Plan 101C  Driveway encroachments Std Plan 103B-1	20ft / 1ft	50ft	No curb, gutter, or sidewalk, road width is measured Edge of Pavement(EP) to EP

\* Road widths are measured from curb face to curb face or edge of pavement to edge of pavement if no curb (traveled way). Curb face for rolled curb and gutter is 6” from the back of the curb.

\*\* Non-exclusive road and public utility easements included

19. **Off-site Access Improvements:** The applicant shall construct and /or verify that the off-site portion of Carlson Drive, from the project boundary to Meder Road, meets the requirements of El Dorado County Standard Plan 101C and the California Fire Code 2007, a 20-foot roadway width with a minimum 1-foot wide shoulders on each side of the roadway, as required in Section 3.A.2.c.ii, of the DISM. The applicant shall provide an exhibit to the DOT, Planning, and the Fire District that shows Carlson Drive complies with the DISM and Fire Safe Regulations as well as a secondary access road or acceptable alternative. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the recordation of the final map.
20. **Turnaround / Encroachment Permit:** The applicant shall obtain an encroachment permit from DOT and shall construct the turnaround encroachment onto Carlson Drive to the provisions of Standard Plan 114 or approved equivalent. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the recordation of the final map.
21. **Offer of Dedication:** Because the project lies fully within an existing road maintenance Zone of Benefit, upon completion and County approval of the on-site road construction, the road right-of-way of Carlson Drive shall be Irrevocably Offered to the County of El Dorado prior to the filing of the map. This offer will be rejected.
22. **Drainage Cross-Lot:** Cross lot drainage shall be avoided. When cross lot drainage does occur, it shall be contained within dedicated drainage easements, and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. This drainage shall be conveyed via closed conduit or v-ditch, to either a

natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway. The site plans shall show drainage easements for all on-site drainage facilities.

23. **Drainage Easements:** The site plans shall show drainage easements for all on-site drainage courses and facilities prior to the recordation of the final map.
24. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
25. **Signage:** The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" road sign as required by the Department of Transportation prior to recording the Final Map. The signing and striping shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement.
26. **Common Fence/Wall Maintenance:** The responsibility for, and access rights for, maintenance of any fences and walls constructed on property lines shall be included in the Covenants Codes and Restrictions (CC&Rs).
27. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. All stamps shall be approved by the El Dorado County inspector prior to being used.
28. **Construction Hours:** Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element and limited to the daylight hours between 7:00 a.m. and 7:00 p.m. on any weekday, and 8:00 a.m. and 5:00 p.m. on weekends and federal holidays.
29. **DISM Consistency:** The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual from the County Department of Transportation, and pay all applicable fees prior to the recordation of the final map.
30. **Road Improvement Agreement & Security:** The developer shall enter into a Road Improvement Agreement (RIA) with the Department of Transportation for all roadway, frontage, and intersection improvements. The developer shall complete the improvements to the satisfaction of DOT or provide security to guarantee performance of the RIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to the recordation of the final map.
31. **Import/Export Grading Permit:** Any import, or export to be deposited or borrowed within El Dorado County, shall require an additional grading permit for that offsite grading.

32. **Grading Permit / Plan:** If more than 50 cubic yards of earth movement are required for improvements, the applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado “*Design and Improvement Standards Manual*”, the “*Grading, Erosion and Sediment Control Ordinance*”, the “*Drainage Manual*”, the “*Off-Street Parking and Loading Ordinance*”, and the State of California Handicapped Accessibility Standards. All applicable plan check and inspection fees shall be paid at the time of submittal of improvement plans. The improvements and grading shall be completed to the satisfaction of DOT prior to occupancy clearance.
33. **Grading Plan Review:** Grading and improvement plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. Grading plans shall incorporate appropriate erosion control measures as provided in the El Dorado County Grading Ordinance and El Dorado County Storm Water Management Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation, and the potential discharge of pollutants into drainages.
34. **RCD Coordination:** The timing of construction and method of revegetation shall be coordinated with the El Dorado County Resource Conservation District (RCD). If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to the Department of Transportation. The Department of Transportation shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
35. **Soils Report:** At the time of the submittal of the grading or improvement plans, the applicant shall submit a soils and geologic hazards report (meeting the requirements for such reports provided in the El Dorado County Grading Ordinance) to, and receive approval from the El Dorado County Department of Transportation. Grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations and address, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
36. **Drainage Study / SWMP Compliance:** The applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.

The Drainage Study must demonstrate the subject property has adequate existing and proposed storm drainage facilities. At a minimum, the drainage study, plans, and calculations shall include the following:

- The site can be adequately drained;
- The development of the site will not cause problems to nearby properties, particularly downstream sites;
- The on-site drainage will be controlled in such a manner as to not increase the downstream peak flow more than the pre-development 10-year storm event or cause a hazard or public nuisance. Detention shall be required if said condition is not met or demonstrate that there are no downstream impacts.
- The ultimate drainage outfall of the project.

Pursuant to Section 1.8.3 of the Drainage Manual, the report shall be prepared by a Civil Engineer who is registered in the State of California. The improvements shall be completed to the approval of the Department of Transportation prior to the filing of the final map or the applicant shall obtain an approved improvement agreement with security.

37. **Drainage Cross-Lot:** Cross lot drainage shall be avoided. When cross lot drainage does occur, it shall be contained within dedicated drainage easements, and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. Any variations shall be approved by the County Engineer. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway. The site plans shall show drainage easements for all on-site drainage facilities. Drainage easements shall be provided where deemed necessary prior to the recordation of the final map.
38. **Drainage Easements:** Pursuant to Section 4.D of the DISM, the site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans and / or on the final map.
39. **NPDES Permit:** At the time that an application is submitted for improvement plans or a grading permit, and if the proposed project disturbs more than one acre of land area (43,560 square feet), the applicant shall file a "Notice of Intent" (NOI) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity with the State Water Resources Control Board (SWRCB). This condition is mandated by the Federal Clean Water Act and the California Water Code. A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.

40. **CEQA Review:** All on and off-site road improvement requirements required as conditions of approval and/or mitigation measures shall be analyzed in the environmental document for this development project to the appropriate extent under CEQA . Any improvements that are not thoroughly analyzed shall include a discussion and justification under that particular impact analysis within the CEQA document as to the circumstances preventing such analysis along with a method and time frame for any future analysis. Mitigation measures that are included in the 5 year CIP must have the CEQA processing completed to fulfill this condition as funded and programmed per the 2004 General Plan Policy TC-Xf.
41. **Off-site Improvements (Security):** Prior to the filing of a final map or parcel map, the applicant shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required offsite improvements, including the full costs of acquiring any real property interests necessary to complete the required improvements. In addition to the agreement, the applicant shall provide a cash deposit, letter of credit, or other acceptable surety in the amount sufficient to pay such costs, including legal costs, subject to the approval of County Counsel.
42. **Off-site Improvements Agreement:** Site improvements to existing roads within the boundaries Carlson Drive Zone of Benefit shall be completed under a contract with the County of El Dorado through a funding agreement between the property owner(s) and the County on behalf of the Zone. Where such improvements are required, the owner(s) shall place on deposit with the County adequate funds to cover the cost of the project, including necessary inspections and all associated administrative costs.
43. **Off-site Improvements (Acquisition):** As specified in the Conditions of Approval, the applicant is required to perform off-site improvements. If it is determined that the applicant does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the applicant's expense and within 120 days of filing the Final Map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of any final map or parcel map, the applicant shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20% contingency:
  - a. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
  - b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
  - c. An appraisal prepared by a certified appraiser of the cost of land necessary to complete the off-site improvements.

In addition to the agreement the applicant shall provide a cash deposit, letter of credit, or other acceptable surety in an amount sufficient to pay such costs including legal costs subject to the approval of County Counsel.

44. The County of El Dorado will not acquire interest through possession of fee title of any right-of-way that lies within the boundaries of the Carlson Drive Zone of Benefit.
45. **Electronic Documentation:** Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to DOT with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.
46. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete.

#### **Environmental Management Department – Environmental Health Division**

47. Prior to the recordation of the final map, each lot shall have a safe and reliable well provided for that meets the criteria of Environmental Management Policy 800-02.

#### **El Dorado County Office of the County Surveyor**

48. All survey monuments must be set prior to the presentation of the final map to the Board of Supervisors for approval, or the developer shall have surety of work to be done by bond or cash deposit. Verification of set survey monuments, or amount of bond or deposit to be coordinated with the County Surveyors Office.

# ATTACHMENT 2

## FINDINGS

### FILE NUMBER TM08-1468 –Carlson Woods Subdivision September 11, 2008 Planning Commission Hearing

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made pursuant to *Section 66472.1* of the *California Government Code*:

#### FINDINGS FOR APPROVAL

##### 1.0 CEQA Findings

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The proposed project, as conditioned, will not have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 The Planning Commission finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with the corresponding permit monitoring requirement, is hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.4 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services-Planning Services at 2850 Fairlane Court, Placerville, CA.

##### 2.0 General Plan Consistency Findings

- 2.1 The proposed tentative map, as conditioned and mitigated, is consistent with the Low-Density Residential General Plan land use designation for the maximum allowable density of one dwelling unit per five acres and permissible residential use.
- 2.2 The proposal is consistent with all applicable Policies of the General Plan including Policies 2.1.1.7, 2.2.5.21, 5.7.1.1, 6.2.3.2, 7.4.1.1 and 7.4.4.4, concerning character of development within Rural Regions, adequate roadways, utilities and other public services, compatibility with the surrounding neighborhood, availability of emergency water, adequate emergency access, mitigations for the impacts to rare plants and oak tree canopy. Mitigation 2, [MM Bio Res 1], satisfies the County's requirements for mitigation of the impacts to the rare plants in Mitigation Area 1 and Mitigation 3, [MM Bio Res 2], satisfies the County's requirements for mitigation of the impacts to oak tree canopy. The project provides adequate access and site design that ensure compatibility

with the surrounding permitted land uses, and is consistent with the General Plan policies identified above.

### **3.0 Zoning Findings**

- 3.1 The project, as proposed and conditioned, along with the zone change, is consistent with the El Dorado County Zoning Ordinance Development Standards because the proposed lots each can meet the development standards of the RE-5 zone district pursuant to Section 17.28.210 for minimum lot areas and lot widths, and to permit the yard setbacks required of future residential development.

### **4.0 Tentative Subdivision Map Findings**

- 4.1 **The proposal conforms to the County's zoning regulations and Minor Land Division Ordinance** because the parcels are of adequate size for the Estate Residential Five-Acre (RE-5) zone district, there is adequate emergency, regular vehicular access, public facilities and existing utilities to support the residential uses on each parcel. Further, the project was subject to review by the Rescue Fire Protection District who conditioned the project such that the final map cannot be finalized without implementation of the approved Fire Safe Plan.
- 4.2 **The site is physically suitable for the proposed type and density of development** because the final map is conditioned to have facilities and utilities to support the residential uses prior to recordation.
- 4.3 **The proposed tentative map is not likely to cause substantial environmental damage** because the access to all lots will be driveways, not roads, and the impacts from all other required improvements have been analyzed in the Initial Study and, as conditioned and mitigated and with strict adherence to County Code, have been found to be less than significant.

### **5.0 Design Waiver Findings**

- 5.1.0 **Allow the existing one to five-foot wide shoulder width to be sufficient along Carlson Drive (instead of requiring five-foot shoulders).**
- 5.1.1 **Special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver** because the existing paved roadway averages 20 plus feet in width. Given that the roadway width meets minimum Fire Code standards, and Carlson Drive traffic is not anticipated to increase significantly as most of the parcels accessing Carlson Drive are developed, DOT has stated they can support this design waiver request.
- 5.1.2 **Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property** because Strict application of the requirement for the road to meet the *El Dorado County Design and Improvement Standards* for five-foot shoulders would cause the removal of fixed

obstacles along the roadway (i.e. culverts, utility poles, fences, etc) in the ownership of others.

- 5.1.3 **The adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public** because the Rescue Fire Protection District did not raise any objections to this design waiver request and allowing an existing road that meets the minimum Fire Code standards to remain as is will not be injurious to adjacent properties or detrimental to the public health, safety, and welfare.
- 5.1.4 **This waiver would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division** because the approval of this design waiver will not nullify the additional requirements contained in the Chapter 16 of County Code.
- 5.2.0 **Allow the existing 50-foot right-of-way for Carlson Drive to be sufficient (instead of requiring 60-feet).**
- 5.2.1 **Special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver** because the traffic on Carlson Drive is not anticipated to increase significantly nor is it anticipated to provide access to additional parcels in the future. Additionally, Carlson Drive is a paved roadway with varying widths of 20+ feet and is not included in the General Plan as a roadway identified for future widening. Therefore, the existing 50-foot right-of-way is sufficient and the El Dorado County Department of Transportation (DOT) has stated they can support this design waiver request.
- 5.2.2 **Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property** because Strict application of the requirement for lots to meet the *El Dorado County Design and Improvement Standards* would create excessive unnecessary impacts to the existing man-made features and natural environment.
- 5.2.3 **The adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public** because allowing the existing roadbeds to be used will not be injurious to adjacent properties or detrimental to the public health, safety, and welfare and the Rescue Fire Protection District has not raised any objections to this design waiver request.
- 5.2.4 **This waiver would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division** because the approval of this design waiver will not nullify the additional requirements contained in the Chapter 16 of County Code.
- 5.3.0 **Allow a 12-foot wide driveway standard for access to Lot 2.**
- 5.3.1 **Special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver** because providing a road access to Lot 2

would involve introducing an 18-foot wide road through both of the parcels which would allow unwanted public access and create excessive impacts to the site's natural features. Requiring the parcel to front a road pursuant to Volume II, section 2, B (5) would require creating a 100-foot frontage pursuant to section 17.28.210 (C) of the Zoning Code which would then create the need for excessive road improvements not compatible with a rural environment and would require the creation of a flag lot.

- 5.3.2 **Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property** because Strict application of the requirement for lots to meet the *El Dorado County Design and Improvement Standards* required frontage on a public street or a street meeting County subdivision design and improvement standards would require widening that would create excessive unnecessary impacts to the natural environment.
- 5.3.3 **The adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public** because allowing a parcel to use a driveway standard access road for exclusive access to Lot 2 through Lot 1 will not be injurious to adjacent properties or detrimental to the public health, safety, and welfare.
- 5.3.4 **This waiver would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division** because the approval of this design waiver will not nullify the additional requirements contained in the Chapter 16 of County Code.